

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASSA ABLOY AB, ASSA ABLOY Inc.,
ASSA ABLOY Residential Group, Inc., August Home, Inc., HID Global
Corporation, and ASSA ABLOY Global Solutions, Inc.,
Petitioners,

v.

CPC Patent Technologies PTY LTD.,
Patent Owner.

Case No. IPR2022-01089
Patent No. 9,269,208

Before SCOTT A. DANIELS, BARRY L. GROSSMAN, and AMBER L. HAGY,
Administrative Patent Judges.

**PETITIONERS' REPLY TO
PATENT OWNER'S PRELIMINARY RESPONSE**

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CPC Patent Technologies Pty. Ltd. (“CPC”) devotes its entire Patent Owner Preliminary Response (“POPR”) to a meritless real-party-in-interest (“RPI”) theory that is contrary to both fact and law. Apple was not involved at all in this petition and is not an RPI. Apple never knew the petition would be filed, never requested that it be filed, and never directed, controlled or contributed to it financially or otherwise. Petitioners filed their petition based on their own interests, without any consideration of Apple. Further, Apple has its own IPR petition challenging the patent-at-issue. Petitioners likewise had no involvement in Apple’s petition.

Absent any facts to support a viable RPI theory, CPC instead argues that a standard business relationship between Apple and Petitioners makes Apple an RPI and privy to Petitioners’ petitions. Not so. Petitioners and Apple have a standard business relationship like that of over 34 million application developers on Apple’s platform (EX-1023 at 6-7) and hundreds of MFi Program participants (collectively its business partners). EX-1024. It would be a radical departure from the law—and from common sense—to hold that Apple is an RPI any time one of its many business partners files an IPR petition. Such a precedent would be manifestly unfair and would encourage troubling gamesmanship by patent owners.

Moreover, barring this petition based on CPC’s lawsuit against Apple would be inequitable, in violation of due process, and inconsistent with the general rule against nonparty preclusions in litigation.

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